

# The City of Galena Park

## City Commission Meeting

Date: September 2, 2014

A regular meeting of the City Commission of the City of Galena Park was held at City Hall in the Council Chambers, Tuesday evening at 6:11 P.M. on September 2, 2014.

Present were:	Esmeralda Moya	Mayor
	Danny Simms	Commissioner
	Lois Killough	Commissioner
	Maricela Serna	Commissioner
	Juan Flores	Commissioner
	Mayra Gonzales	City Secretary
	Robert Pruet	City Administrator
	Jim DeFoyd	City Attorney

Mayor Moya called the meeting to order at 6:11 p.m.

Mayor Moya called on Mr. Ramos for the invocation.

Mayor Moya called for comments from the audience. Ms. Evangelina Galarza, lives at 1310 Pugh Dr., had a concern about hearing gun shots coming from the street behind them, sometimes once or twice a day. Ms. Galarza stated she does not call the police because the police will ask where the gun shots are coming from and she does not know exactly where. She also had a concern about people drinking in their front yards. She stated she went to the police and they tell her that there is nothing they can do, that there is no ordinance on drinking on your front yard. Commissioner Killough stated that she lives on Craig and she does not hear gun shots. She has heard some gun shots before, and when she called the police they came out and drove around. Ms. Galarza stated she hardly ever sees the police drive around the city. She also stated her concerns on trash and junk on people's yards, vehicles parked on the yards, loud music, and the number of people living in one home. Commissioner Killough stated that she has the same concerns on her street as Ms. Galarza. Mayor Moya stated that they will make sure Ms. Killough looks into it.

Mr. Robert Clowers, a citizen, asked Mayor Moya if they needed all those police officers there for security. Mayor Moya stated yes that they had an incident last time. Commissioner Simms asked if Mr. Clowers was talking about Harris County or all of them. Mr. Clowers stated he just doesn't understand, he was on council for 10 years and the only officer that attended was Chief and if something got out of hand they would get on the radio and call. Mayor Moya stated that they had a situation that they can talk about later. Commissioner Flores stated he would like to know what the incident was. Mayor Moya stated that the citizen was there that was involved and she called on Mr. Barry Ponder. Mr. Ponder stated that at the workshop, they were told by the city attorney that they were not allowed to comment during the workshop. Mr. Ponder stated that Mayor Moya invited everyone to stick around after the workshop if they had any questions she would be there to answer. One of the Commissioners was walking by and he asked her why doesn't she stick around and she got a little upset. Commissioner Serna asked how is that regarding a police officer, the police officers have been there meeting after meeting. Mr. Ponder stated it was inappropriate and all he asked was.... Commissioner Serna states it was inappropriate, but she did not have a gun. Mr. Ponder stated all he was asking for was for all of them to stick around to answer some of their questions. Commissioner Serna stated that the Mayor is the one that invited everyone, she didn't invite anyone to stay. Mr. Ponder stated that he was inviting her to stick around as a Commissioner of the city that they voted in to answer some questions. Commissioner Flores stated that he doesn't

think that still requires so many officers. Commissioner Serna stated she has been asking the same question and she even called Adrian Garcia herself to see why he sends people there. Mayor Moya stated she was going to tell them why she is requesting them. From day one there was a notification to her that if she needed assistance or called the police department they were not to respond. Commissioner Simms asked who that came from. Mayor Moya asked Mr. Pruett to explain that, because they did have witnesses. Mr. Pruett stated to the Mayor to get her witnesses, because he never said that. Mr. Pruett stated the Mayor sits up there..... Mayor Moya states that is enough. Mr. Pruett stated to the Mayor she asked him a question would she let him respond. Mayor Moya stated that if they want her to bring witnesses then they can set something up, she cannot call them at that moment to come. Commissioner Simms asked Chief Rader if there police officers are capable of taking care of the meetings. Chief Rader responded certainly. Mayor Moya asked Chief Rader wasn't he the one that told one of the officers to leave the building and not to listen to her. Chief Rader stated he told the officer to leave the building, because he was at the location and there was no reason for him to be there. Mayor Moya stated that is not what he said, he said if anyone needs to leave it should be that lady in there. Commissioner Killough stated that was not a threat. Mayor Moya stated she cannot use his services. Commissioner Killough stated she could.

Mr. Jack Brown, a citizen, stated that he had concerns about things that happened in the city over in his neighborhood and around where the swimming pool is and the American legion. He stated several months ago he was attacked by a German Sheppard, he did not call the police, struck the dog a few times. The past weekend he called the police department, he was walking his brother in laws dog around the American legion and he saw the dog running loose again with the owner walking far behind him. He walked around to avoid any confrontation with him. He stated it tends to be a weekend thing, after five and on weekends that happens in most neighborhoods of Galena Park, people will just let their dogs run loose. Mr. Brown stated he can walk out in his yard and he will have a dog in his yard. Commissioner Killough asked if the humane officer is on call. Mr. Pruett stated yes. Mr. Brown stated only if the dog is violent or attacked. Mr. Jack stated what he is asking is if they can have two officers to patrol and alternate and have staggered weekend duty. Mr. Pruett stated that in the budget they allocated money to hire a part time humane officer to help the humane officer out when he is out sick or on vacation or to come out on weekends. Commissioner Killough asked if they can pick the dog up if it is not on a leash. Commissioner Simms stated that not just because it is vicious, but because it is running around. Mr. Pruett stated even if person is out walking their dog and it is not on a leash they can be given a ticket. Commissioner Killough asked if the dog could be picked up. Mr. Pruett stated that was correct. Mr. Brown appreciated that it was in the budget to hire someone, but in the meantime he knows some places that do staggered hours and have three on two off, which would stagger over to the weekend. He stated that you don't have to do it often, before people realize that there is someone watching. He did call the police department, didn't call to find out what the result was, they said they would send out an officer and he assumed they did.

Ms. Dawn Fisher, a citizen, stated that she has attended several of the meetings that year and she has attended Second Baptist Church for years, she is a Christian, but she thinks for some of the meetings she has not conducted herself in a Christian like manner. She apologized to the Mayor, she still disagrees with a lot of the things she is doing, but she can still disagree and continue to let people know that she is a Christian and she can behave correctly. She just wanted to say that to everyone.

Mayor Moya read item #4- Consider approving the minutes of August 19, 2014 and the amended Minutes of July 15, 2014. Commissioner Killough moved to approve the minutes. Commissioner Flores, 2<sup>nd</sup> Vote: Mayor asked Mayra Gonzales, City Secretary, to state the amendment. Ms. Gonzales stated it was from the July 15, 2014 meeting, the old minutes stated..... A citizen said that Mr. Pruett as city administrator had the authority to approve the invoices.... The correction was.... Ms. Killough stated Mr. Pruett is the city administrator. A citizen stated that he has the authority

to... Mayor Moya asked if we had a name for the citizen. Ms. Gonzales stated that she believed it was Ms. Dawn Fisher, but she is not 100%, therefore she did not put it in the minutes. Commissioner Flores asked if the Mayor submitted the amendment change. Mayor Moya stated they heard the recording. Vote: 5 Ayes.... Motion Carried.

Mayor Moya read item #5- Consider ratifying accounts payable from August 15, 2014 through August 29, 2014. Commissioner Flores moved to approve the accounts payable. Commissioner Serna, 2<sup>nd</sup> Vote: 5 Ayes.... Motion Carried.

Mayor Moya read item #6- Consider approving Resolution R10-2014- Soliciting support from TML for legislative action to change the deadline for posting the proposed property tax rate notice. Jim DeFoyd, City Attorney, read the Resolution aloud. Commissioner Killough moved to approve Resolution R10-2014. Commissioner Flores 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya read item #7- Consider approving the first reading of Ordinance 2014-06- Adopting the city's 2014-2015 Budget. Mr. DeFoyd, read aloud Ordinance 2014-06. Mayor Moya asked if this budget included the 8% and 9% pay raise. Mr. DeFoyd stated that is what was attached to the budget. Mayor Moya stated they were going to look into it, out of the 8% and 9% they were going to look into 3%. Commissioner Serna moved to accept the budget as presented. Commissioner Simms 2<sup>nd</sup>. Mayor Moya stated she just wanted to put back on the table the 8% and 9% they needed to reconsider. Commissioner Killough stated that there was a motion on the floor that needed to be voted on. Mayor Moya states she understands, but she just wants to remind everyone. Commissioner Simms stated the budget Mr. Pruett presented to them covers everything they have covered in the workshops. Mr. Pruett states that is correct. Mayor Moya stated including the raises of salaries. Commissioner Killough stated correct. Mayor Moya stated that is the first reading, when they have the second reading they will discuss it. Commissioner Killough stated the Mayor needed to call for a vote. Mayor Moya stated when she is ready she will call for the vote. Mayor Moya called for the vote for Ordinance 2014-06. 4 Ayes... Mayor Moya: Veto. Commissioner Killough made a motion to override the veto. Commissioner Flores 2<sup>nd</sup> Vote: 4 Ayes Motion Carried.

Mayor Moya stated that they were going to move item #8 down to the end and go back to it later. Commissioner Killough stated she could not do that. Mayor Moya stated she could, and they were going to do it. Commissioner Simms and Mr. Defoyd stated it was a posted agenda. Mayor Moya stated that she has done her research she can do it, she has done it before and will do it again. Commissioner Killough stated it was not legal last time and it is not legal now.

Mayor Moya read item #9- Consider approving Vanessa Stevens as Deputy Local Registrar. Commissioner Flores stated to Mayor Moya she was out of order. Mayor Moya called for a motion. Commissioner Simms stated that they could move that down to 14. Mayor Moya stated they could move it down, but they are going to leave that one down. Commissioner Simms asked the Mayor her reasons for it and stated that it is on the agenda an agenda that they have worked off of for many years and he has never seen where an item in the 12 years he was on council and Mr. Clowers was on council before him; that they moved agenda items. Mayor Moya asked Mr. Robert Clowers, a citizen, if he had seen before where the Mayor moved agenda items before. A citizen stated yes. Mayor Moya stated she had seen it too. Commissioner Serna asked Mayor Moya when had she seen it if she never came to the meetings. Mayor Moya stated when she went he did. Mayor Moya stated that she will have Commissioner Serna ejected. Commissioner Killough asked Mayor Moya to please quit slapping her gavel. Commissioner Serna stated that she cannot do that. Mayor Moya insisted that she can. Commissioner Simms asked Mayor Moya to please give Mr. DeFoyd the respect and let him speak. Mr. DeFoyd stated that the agenda was posted, and the Mayor can propose to move an agenda item, but it was up to the commission to decide whether they want to do it or not. If they don't want to move an agenda item to another item it will not be done, because they have, the commissioners have a vote. The commission decides the order of the agenda and it is just that simple. Mayor Moya asked Mr. Robert Clowers if that is how it worked. A citizen stated

you have the attorney ask him. Mayor Moya stated she had her own attorney, thank you. Commissioner Simms asked if Mr. Clowers was her attorney. Mr. Clowers stated that Bobby Barrett, the Mayor, would take an item and skip over an item and go down and back up. If you are saying that they would just take it off of the agenda and put it on another.... Commissioner Simms interrupts and states to Mr. Clowers that was done to present plaques and stuff to citizens, very seldom did they ever move an actual voting agenda item. Mr. Clowers stated very seldom, but they had done it. Commissioner Killough stated that they have to vote on it. Mr. Clowers stated if he understands the Mayor correctly all she is doing is dropping down.... Mayor Moya states exactly. Commissioner Killough states they must vote on it. Mayor Moya states no you don't. Mr. Defoyd states that they must understand the city commission decides the order of the agenda and that is just the law. A citizen stated what the difference is if it is voted on now or later. Mayor Moya stated it is because she wants him to read the ordinance. Commissioner Flores stated she cannot do that. Commissioner Serna stated the Mayor was out of order. Mayor Moya stated that they cannot speak over her, but Commissioner Flores still does it. Mayor Moya stated if he follows the Roberts Rules of Order. Commissioner Flores states that the Mayor is not doing it neither. Mr. Jack Brown, a citizen, stated he does not see that the agenda item numbers have anything to do with the agenda as long as it is met during that commission meeting. Mr. Brown asked Mayra Gonzales, City Secretary, who sets the numbers on the agenda. Ms. Gonzales stated that she did. Mr. Brown stated so it is not the commission that sets the numbers or the sequence on the agenda. Commissioner Serna asked if they were going to take care of it today. Mayor Moya stated Ms. Gonzales was speaking. Ms. Gonzales stated that she does not put the items in any particular order. Commissioner Simms stated that was the 8<sup>th</sup> item on the agenda and to keep a sense of order you follow the agenda instead of moving things around. Mr. Brown stated that he does not see where it matters in what sequence it comes in. Commissioner Simms stated that he does not see why they have to move it. A citizen stated it was chaos and just follow the agenda. Mayor Moya stated that they were going to move down to approve Vanessa Stevens as Deputy Local Registrar. Commissioner Simms asked if they were on number 8 or 9. Mayor Moya stated item number 9. Commissioner Simms asked Mayor Moya if they were going to bring up item 8. Mayor Moya stated yes they were going to talk about it. Commissioner Serna moved to approve Vanessa Stevens as Deputy Local Registrar. Commissioner Killough, 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya read item # 10- Consider approving Mr. John Ennis as agent of record for the city group insurance program. Commissioner Simms moved to approve Mr. Ennis. Commissioner Flores, 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya read item #11- Consider approving the part time employment of Christopher Reel-Firefighter/ EMT-B. Commissioner Flores made a motion to approve the part time employment. Commissioner Killough, 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya read item #12- Consider approving the resignations of Kerwin Galvez, Christopher Martinez, and Tandom Moy from part time summer help. Commissioner Killough moved to approve the resignations. Commissioner Simms, 2<sup>nd</sup> Vote: 5 Ayes... Motion Carried.

Mayor Moya went back to item # 8- Consider approving Resolution R11-2014- Appointing an advisory committee for possible amendments to the city charter. Mr. DeFoyd read aloud Resolution R11-2014. Commissioner Simms asked if the Mayor and each one of the commissioners have three representatives on the committee. Mr. DeFoyd stated that all of them can nominate as many as they want, because the commission finally has to vote on each one. Instead of getting into an argument of who is going to nominate who or any of that, the fact of the matter is that the city commission has to elect each nominee. It does not matter if you have the suggestion of 2,3,4,5 or 15 because the commission will go through each one of them. Mayor Moya stated that there is a motion on the floor, are they going to make a motion. Commissioner Simms stated that he was simply asking Mr. DeFoyd a question. Commissioner Flores moved to approve the resolution as read. Commissioner Killough, 2<sup>nd</sup> Vote: Mayor Moya stated that the discussion is that the resolution is against the charter

and she will not participate. Mr. DeFoyd stated it was not against the charter. Mayor Moya states the charter calls for a review committee not an advisory committee. Mayor Moya stated that to Mr. Defoyd that she thinks this is another game of tricking the city against the citizens of Galena Park, and she is not going to have it and it is not going to work. Mayor Moya stated that item was out of order. Mr. DeFoyd stated that it is not out of order and he is going to respond to her. Commissioner Killough asked Mr. DeFoyd to give his opinion. Mayor Moya stated it is out of order. Mr. Defoyd stated the resolution is lawful and so that everybody understands what they are doing. Mayor Moya stated that the charter trumps any resolution or ordinance and that is in the charter. Commissioner Flores stated that was the Mayors interpretation. Mayor Moya asked Commissioner Flores if he wanted to look for it. Commissioner Flores stated that he would trust a lawyer a lot more than her interpretation. Mayor Moya stated it was out of order and the next item on the agenda.....Commissioner Killough stated they had a vote on the floor. Mayor Moya states there is no motion, then the motion dies. Discussion between the council happened on being out of order and a motion being on the floor. Mayor Moya adjourned the meeting. Commissioner Flores stated all in favor of the motions to accept the resolution say aye. 4 Aye.... Motion Carried. Chaos in the audience happens. Commissioner Simms stated to Ms. Gonzales that as Mayor Pro Tem that they have a motion on the floor, a vote called, and he is asking for the question all in favor of the resolution as presented by Mr. Defoyd. 4 Ayes... Motion Carried (Mayor Moya did not vote). Commissioner Simms stated that for the record he would like to allow that the Mayor left the meeting before it was official done and as Mayor Pro Tem he would like to finish the agenda with announcements for the citizens.

Commissioner Simms announced that the Galena Park Choir is hosting a car wash at Peace Lutheran Church and they ask everybody to be there Saturday from 9:00-1:30.

Commissioner Killough stated she would like to talk to her neighbor as soon as they adjourn the meeting and see what they can do about what is going on in the neighborhood. Ms. Evangelina Galarza stated her question was, if every time the Mayor throws a fit, is she going to leave or is she going to come back and fix whatever it is. Commissioner Serna stated no she just leaves. Commissioner Flores states that is what she has been doing. Ms. Cathy Cooper, a citizen, stated the Mayor can't fix it when the council goes against her on everything. A citizen stated that they were not giving her a chance. Commissioner Serna stated that they are not giving them a chance, they have not been there and they just got there and they are not giving them a chance. A citizen stated that they know they are all new except for Danny and they need some time, but they also have to let the Mayor talk to. Commissioner Flores stated that she does not follow Robert's Rules of Order. The citizen stated she read the charter herself and she agrees with the Mayor. Commissioner Serna stated that was her interpretation and asked the citizen if she was a lawyer. A discussion between the citizens happened about giving the Mayor a chance.

Commissioner Flores announced that the city will be having a movie night, for anybody interested in participating. There will be movies and food truck for the community. There is a committee of 6 or 7 residents helping put the movie night together. They will have more information on the website and a Facebook page for the movie night. It will be October 4<sup>th</sup> outside the community building. He is looking for local youth groups to sell items for their organization at the movie night. Everyone will have a chance to vote for a movie via Facebook. Commissioner Killough asked what the address was. Commissioner Flores stated that he will have it on the flyers. Also, in about a week or two they will be starting the beautification program to clean up the community.

Commissioner Simms stated he would like to recognize Ms. Dawn Fisher a school board member who made announcements earlier.

Mr. Brown stated that the Facebook portion of the presentation, there is a lot of them that hate Facebook and would never be a part of Facebook, would there be any other way to vote for a movie.

Commissioner Flores stated he would be going around to the senior luncheons to pass out ballots. Commissioner Killough stated they will all be rated G. Commissioner Flores stated that he will be taking flyers to the schools and to the luncheons. Mr. Brown stated that some of them who don't venture onto Clinton Dr. could they can have a ballot box at the community building, and also he would like to see the city put a marquee in the budget for the community building. Commissioner Killough stated it was in the budget. Mr. Pruettt stated it was in the budget that he took a scolding on earlier. A citizen asked if for the movie night would they be pairing up with the library, because you must have a movie licensing agreement. Also, there are certain movies that you cannot show that are on the agreement. Commissioner Flores stated that Ms. Killough had been keeping in contact with the library.

Commissioner Flores made a motion to adjourn the meeting. Commissioner Killough, 2nd Vote: 4 Ayes... Motion Carried.

Meeting adjourned: 7:05 P.M.

  
MAYRA GONZALES  
CITY SECRETARY

  
EMERALDY LOPEZ  
APPROVED